

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	2010SH0239
	)	HUD NO.:	05-09-1523-8
<b>WARREN CORPREW</b>	)	ALS NO.:	09-0706
	)		
Petitioner.	)		

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini presiding, upon Warren Corprew's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>[1]</sup> of Charge No. 2010SH0239; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On July 21, 2009, the Petitioner filed an unperfected charge of discrimination with the Respondent, which the Petitioner perfected on July 29, 2009. The Petitioner alleged that Slate Creek Apartments, ("Landlord"), Professional Advantage, Inc. d/b/a Remax Key, and Ann Davis ("Managers") subjected the Petitioner to discriminatory terms, conditions, privileges, or services and facilities because of his religion, in violation of Section 3-102(B) of the Illinois Human Rights Act ("Act"). On November 2, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On December 5, 2009, the Petitioner timely filed this Request.
2. The Petitioner entered into a residential apartment lease with the Landlord on December 10, 2007. The lease stipulated that the tenant, i.e., the Petitioner, would not make or permit noise or acts that will disturb the rights or comfort of neighbors. The Landlord further specified in its House Rules that ...."behavior that can be construed as harassment which violates the lease will be grounds for a 30-day eviction."

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<sup>[1]</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

3. Beginning June 2008, the Landlord and the Managers began receiving numerous complaints from its other tenants regarding the Petitioner's behavior.
4. On June 25, 2008, the Managers received a complaint that the Petitioner had inappropriately screamed at and grabbed a tenant's grandson and then became involved in an altercation with the tenant.
5. On September 26, 2008, the Managers received a complaint that the Petitioner was involved in an altercation with another tenant when the Petitioner confronted the tenant about his smoking, and called the tenant wicked.
6. On November 6, 2008, the Managers received a complaint that the Petitioner had intimidated another tenant. On that occasion, the Petitioner told the tenant that the Landlord's tenants lived in an evil place where people had children out of wedlock.
7. On December 9, 2008, the Managers received a complaint that the Petitioner had intimidated two other tenants when the Petitioner came to the tenants' door and began to preach to them, and told them about the evils of the City Effingham.
8. Finally, on May 26, 2009, the Managers received a complaint that the Petitioner had confronted a tenant in the laundry room about sin and having children outside of wedlock. This tenant told the Managers that, as a result of the Petitioner's conduct, she feared for her safety.
9. On June 19, 2009, the Landlord issued the Petitioner a 30-day notice of termination of his lease because of the numerous complaints about the Petitioner's harassing conduct toward the Landlord's other tenants. The notice informed the Petitioner that he may have an informal hearing to discuss the 30-day notice.
10. On July 2, 2009, the Landlord through its Managers conducted an informal hearing, at which time the Petitioner was allowed to respond to the 30-day notice. After the informal hearing, the 30-day notice terminating the Petitioner's lease remained in effect.
11. In his charge, the Petitioner alleged the Landlord and the Managers subjected him to unequal terms and conditions of tenancy because of his religion. In the course of the Respondent's investigation, the Petitioner stated that he was a believer of the Bible and that he read the King James version of the Bible. The Petitioner declined to identify himself as belonging to any particular religious denomination.
12. In his Request, the Petitioner argues that he did not have sufficient time to refute the allegations of the Landlord and the Managers. The Petitioner also contends that the Respondent's investigator was inept.

13. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for lack of substantial evidence. The Respondent argues that the Landlord and the Managers articulated a non-discriminatory reason for issuing the Petitioner the thirty-day notice of termination of the lease, and the Respondent found no substantial evidence this articulated reason was a pretext for unlawful housing discrimination.

## **CONCLUSION**

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747 (March 7, 1995), 1995 WL 793258 (Ill.Hum.Rts.Com.).

There is insufficient evidence to establish a *prima facie* case of religious discrimination under the Act. Generally, in order to show the existence of a *prima facie* case of religious discrimination in the provision of housing, there must be evidence of the following: (1) The Petitioner is a member of a protected class; (2) The Landlord was aware of the Petitioner's membership in that protected class; (3) the Petitioner was a tenant in good standing with the terms and conditions of tenancy; (4) the Landlord altered the terms, conditions, and privileges of the Petitioner's real estate transaction, and (5) the Landlord treated similarly situated tenants outside of the Petitioner's protected class more favorably under similar circumstances. See In re Request for Review of Phyllis Guajardo, IHRC, ALS No. 09-0329, (September 16, 2009), 2009 WL 6063790 (Ill.Hum.Rts.Com.); see also Turner v. Human Rights Commission, 177 Ill.App.3d 476, 488, 532 N.E.2d 392, 399 (1<sup>st</sup> Dist. 1988).

The Petitioner failed to establish his *prima facie* case because he was not a tenant in good standing at the time he was issued the 30-day notice of termination of his lease. Rather, tenants reported to the Managers that the Petitioner was engaging in harassing and inappropriate conduct, which was a violation of the terms and conditions of the Petitioner's lease.

Further, there was no evidence that a similarly situated tenant outside of the Petitioner's protected class was treated more favorably under similar circumstances. There has been no evidence presented that the Petitioner's religion was the motivation for the adverse action taken against him.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

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*In the Matter of the Request for Review by: Warren Corprew*

**WHEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Slate Creek Apartments, LP, Professional Advantage, Inc. d/b/a Remax Key, and Ann Davis, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

**HUMAN RIGHTS COMMISSION**

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**Entered this 23<sup>rd</sup> day of June 2010.**

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini